

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4555 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- SC/ST District- Araria

-
1. SANTOSH PASWAN Son of Jageshwar Paswan Resident of Village-
Panjarkatta, Police Station- Narpatganj, District- Araria.
 2. Anmil Paswan @ Anmol Paswan Son of Bouku Paswan Resident of Village-
Panjarkatta, Police Station- Narpatganj, District- Araria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 21-10-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 01.08.2019 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.35 of 2018, corresponding to Special (SC/ST) Case No.85 of 2018 registered under Sections 341, 147, 448, 323, 354B, 384, 386, 324, 326, 120B, 504, 506, 379/34 of the Indian Penal Code and Sections 3(i)(r) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting at the door of her house along with her husband and son, four named accused persons including appellants descended there and started assaulting them by means of lathi, danda slating in the name of their caste and demanded extortion of Rs. 50,000/- and on failure to cough of said demand, co-accused Prasenjit @ Raja dragged her on the ground and all the accused persons tore her attire and also snatched her silver chain.

It is submitted by learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. The appellants have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. Appellants also happens to be a member of SC/ST community, hence no offence under SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of three days in filing Complaint case by the informant without assigning any plausible explanation for the same.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.35 of 2018, corresponding to Special (SC/ST) Case No.85 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

amit/-

U		T	
---	--	---	--

